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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/828,457	Applicant(s) BORDELEAU ET AL.	
	Examiner Jeffery A. Brier	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The examiner in charge of this application has changed to Primary Examiner Jeffery A. Brier.

Response to Amendment

2. The amendment filed on July 06, 2005 has been entered.

Response to Arguments

3. Applicant's arguments filed July 06, 2005 have been fully considered but they are not persuasive to the extent the claims do not define "explosion parameter", thus, the red, green, blue, and alpha channel data of each polygon in the combination of Tsukamoto and Ito teaches an "explosion parameter" since the red, green, blue, and alpha data form at least the shape of the plurality of particles which due to the "at least one" phrase is all the claims now claim. Thus, the previous 103 rejection is maintained.

Applicant appears to be reading limitations from the specification into the claims. The examiner must give the claims the broadest reasonable interpretation and due to the open ended "at least one" phrase the claims must be interpreted to claiming only one explosion parameter. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In response to applicant's argument in the last paragraph on page 9 and the first paragraph on page 10 that the RGBalpha channels do not define parameters related to video effect applicant needs to consider that a recitation of the intended use of the claimed invention must

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result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Currently the claimed intended use is the shape of the plurality of particles which is fully met by the image in the RGBalpha channel of Ito and by the inherent RGB data of Tsukamoto polygon data. Applicant needs to better claim that each channel defines one corresponding parameter of the plurality of explosion parameters and that the plurality of channels define a corresponding plurality of explosion parameters.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 3-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1 and 11 were amended by the July 06, 2005 amendment to claim "each channel defining at least one explosion parameter of said video particle explosion effect". Due to the "at least one" phrase each channel is now claimed to define many explosion parameters while the specification at paragraphs 019, 024, and 041-044 clearly describes one type of explosion parameter is

expressed by one channel and paragraph 045 expresses an alternative embodiment where only one channel exists and it is used to express all of the explosion parameters. Thus, the claims now claim something that was not conveyed in the specification.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 3-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1 and 11 were amended by the July 06, 2005 amendment to claim "each channel defining at least one explosion parameter of said video particle explosion effect, including a shape of a plurality of particles". The claims appear to be claiming that each channel defines a shape of a plurality of particles which is different than that which is described in the specification. See paragraphs 019, 024, and 041-045. Similarly the added language when the "at least one" phrase is read to mean "one" claims only one parameter of the explosion is defined by each of the channels which is different than that which is described in the specification. See paragraphs 019, 024, and 041-045.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 5-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al (6,570,569) in view of Ito (6,690,810). The previous rejection of claims 1 and 11 have been modified to reflect the changes made to claims 1 and 11.

Claim 1:

Regarding claim 1, Tsukamoto et al discloses that the claimed feature of a method for generating a sequence of object definition data sets for a video particle explosion effect comprising: providing a graphics image data file [i.e. "the polygon data group of the object", which specified by "the video block"; 11 See col 8 line 4-5, col 6 line 18-44, col 7 line 62-col 8 line 12] of a particle pattern defining a shape [i.e. "the shape of the display element" See col 2 line 34-36, col 7 line 51-54, col 7 line 39-40, col 16 line 64-65] of a plurality of particles [i.e. "display element"; 1-29 shown in Fig 6(b)]; generating a sequence of object definition data sets [i.e. "the polygon position data and polygon direction data" of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50] using

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graphics image data file; wherein object definition data sets can be used to render a particle explosion effect [i.e. "collapsing motion"] on a video file. (See Fig 8-14)

Tsukamoto et al does not specifically discloses that graphics image data file has a plurality of channels, such as a red channel, a green channel, a blue channel and an alpha channel.

However, such limitation is shown in the teaching of Ito. [i.e. image file with RGB α channels] (See "the image separating portion" 14, "channel" 22 in Fig 1, col 12 line 43-55, col 12 line 63-30).

It would have been obvious to one skilled in the art to incorporate the teaching of Ito into the teaching of Tsukamoto et al, in order to represent image data with effective manner, as such improvement is also advantageously desirable in the teaching of Tsukamoto et al for drawing proper display attribute of each display element of the polygon data group of the object with optimized manner.

This claim does not define "explosion parameter", thus, the red, green, blue, and alpha channel data of each polygon in the combination of Tsukamoto and Ito teaches an "explosion parameter" since the red, green, blue, and alpha data form at least the shape of the plurality of particles which due to the "at least one" phrase is all the claims now claim.

Claim 3:

Regarding claim 3, Tsukamoto et al does not specifically discloses that graphics image data file has a plurality of channels, which are a red channel, a green channel, a

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blue channel and an alpha channel. However, such limitation is shown in the teaching of Ito. [i.e. image file with RGB α channels] (See "the image separating portion" 14, "channel" 22 in Fig 1, col 12 line 43-55, col 12 line 63-30) It would have been obvious to one skilled in the art to incorporate the teaching of Ito into the teaching of Tsukamoto et al, in order to represent image data with effective manner, as such improvement is also advantageously desirable in the teaching of Tsukamoto et al for drawing proper display attribute of each display element of the polygon data group of the object with optimized manner.

Regarding claim 5, Tsukamoto et al disclose that particle pattern is a shattered glass pattern. (See Fig 6(b))

Regarding claim 6, Tsukamoto et al discloses that a step of drawing graphics image data file. [i.e. "dashed lines the display elements structuring object"; See col 7 line 39-40, Fig 6(b), "outline of each display element"; See col 14 line 59-60]

Regarding claim 7, Tsukamoto et al discloses that defining an edge [i.e. "dashed line", "outline"] for plurality of particles [i.e. display element"] (See col 7 line 39-40, col 14 line 59-60, Fig 6(b)) and filling up each of plurality of particles with a different color [i.e. "bitmap data" See col 9 line 50-52].

Regarding claim 9, Tsukamoto et al discloses that identifying a plurality of triangles [i.e. "polygon"] for each particle ["display element"] (See col 7 line 44-54) and storing shape information ["the shape of the display element"] from each triangle in object definition data sets. [i.e. "the polygon position data and polygon direction data of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50]

Regarding claim 10, Tsukamoto et al discloses that identifying a plurality of triangles ["polygon"] for each particle and storing parameter information from each triangle in object definition data sets [i.e. "the polygon position data and polygon direction data of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50], parameter information being extracted from each channel. (See col 8 line 4-7)

Claim 11:

Regarding claim 11, Tsukamoto et al discloses that the claimed feature of a method for rendering a video particle explosion effect on a video source data file comprising: providing a graphics image data file [i.e. "the polygon data group of the object", which specified by "the video block"; 11 See col 8 line 4-5, col 6 line 18-44, col 7 line 62-col 8 line 12] of a particle pattern [i.e. "display element"; 1-29 shown in Fig 6(b)]; defining a shape [i.e. "the shape of the display element" See col 2 line 34-36, col 7 line 51-54, col 7 line 39-40, col 16 line 64-65] of a plurality of particles; generating a

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sequence of object definition data sets [i.e. "the polygon position data and polygon direction data" of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50] using graphics image data file [i.e. "image data read from the CD-Rom"] (See Fig 2, col 6 line 18-31); providing a video source data file; rendering video particle explosion effect [i.e. "collapsing motion"] using object definition data sets and video source data file. (See Fig 8-14)

Tsukamoto et al does not specifically discloses that graphics image data file has a plurality of channels, such as a red channel, a green channel, a blue channel and an alpha channel.

However, such limitation is shown in the teaching of Ito. [i.e. image file with RGB α channels] (See "the image separating portion" 14, "channel" 22 in Fig 1, col 12 line 43-55, col 12 line 63-30).

It would have been obvious to one skilled in the art to incorporate the teaching of Ito into the teaching of Tsukamoto et al, in order to represent image data with effective manner, as such improvement is also advantageously desirable in the teaching of Tsukamoto et al for drawing proper display attribute of each display element of the polygon data group of the object with optimized manner.

This claim does not define "explosion parameter", thus, the red, green, blue, and alpha channel data of each polygon in the combination of Tsukamoto and Ito teaches an "explosion parameter" since the red, green, blue, and alpha data form at least the

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shape of the plurality of particles which due to the "at least one" phrase is all the claims now claim.

Regarding claim 12, Tsukamoto et al discloses that loading each field of video source data file [i.e. "image data read from the CD-Rom"] into a graphics engine [i.e. VDP; 110 in "video block" 11] (See Fig 2, col 6 line 18-31); loading a corresponding one of sequence of object definition data sets [i.e. "the polygon position data and polygon direction data" of the display element per frame displaying period], "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50] into graphics engine; generating a particle exploded ["collapsing"] video output [i.e. "video signal output" See Fig 2, col 5 line 35-36, col 6 line 40-44] using field and corresponding object definition data sets. (See Fig 8-14).

10. A prior art rejection cannot be made for claims 4 and 8 because the metes and bounds of the claims are not definite and because the specification does not support the claims. Thus, an indication of allowability would be premature. In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier
Primary Examiner
Art Unit 2672